IVED FOR FILING

Charles C. Sutton, II, et al

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Charles C. Sutton, II and Daryl L. Sutton for that property known as 20310 Middletown Road in the northern section of Baltimore County. The Petitioners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 22 ft., in lieu of the required 35 ft., for an addition, in an R.C.2 zone, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25 day of August, 1993 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 22 ft., in lieu of the required 35 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ZONING COMMISSIONER FOR BALTIMORE COUNTY

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 24, 1993

Messrs. Charles C. Sutton II Daryl L. Sutton 20310 Middletown Road Freeland, Maryland 21053

> RE: Petition for Administrative Variance Case No. 94-33-A Property: 20310 Middletown Road

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Lawrence E. Schmidt

LES:mmn

Zoning Commissioner

ITEM #:

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 20.310That based upon personal knowledge, the following are the facts upon which live base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) 1) THE MIC CAKE OF HAUSICAR FEMILY MEMBERS (Carb Camul) A THIS IS GIVE THE PLACE OF COURD GO DO IC THITERIOR DESIGN

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

CHARLES C SYTTON IT AND DAYL I SUTTON the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal. JULY 23, 1993

NOTARY PUBLIC STATE OF MARYLAN

BEGINNING for the same at a point in the center line of a County Road known as Middletown Road at a corner of the property of William Meadowcroft, and running thence along the center line of the said County Road, South 41-1/2 degrees East 100 feet to a point; thence along the lot sold by Daisy Whipperman to Paul Crouse, South 50 degrees West 233.5 feet to a point at the land formerly of Reuben Trabert; thence along land aforesaid North 40 degrees West 73 feet to a point at the land of William Meadowcroft; thence along the said land North 43-1/2 degrees East 232.5 feet to the place of beginning.

Containing an area of 69.5 square perches of land, more or less. RETNG all and the came

charles C. Sa Hon + Done / L. S. Hon ed property 20310 (sols) Middle Town Pd , 50/ Kong ex Mil RA Foring vood way on property to be zoned

Zoning Administration & Development Management 111 West Chesepeuke Avenue Town, Maryland 21204	
	Account: R-001-6150
7.23.93	By JRA
CSC I SIGN 35	•
650 ISIGN 33	

IN AN PO 1 COLL

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached The undersigned, legal owner(s) or me property situate in partitions occurry.

hereto and made a part hereof, hereby petition for a Variance from Section(s) TABLE PART TAR CHER OF LIFE INCLUDES BY PROMPTS OFFE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or 1 thene care communication ( there ) tree out is housely or see how received in

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting etc. upon filing of this petition, and further agree to and are to

2) The is the our of known in a few or the house of the

be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County if We du sciencity declare and effort, under the penaties of penuty that like are the Contract Purchaser/Lessee Action Middle town Ad 412 244, 1173 Type or Print Name: Prione No.

circulation, throughout Baltimore County, and that the property be reported.

Zoning Commissioner of Baltimore County

**Baltimore County Government** Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

August 13, 1993

Mr. and Mrs. Charles C. Sutton, II 20310 Middletown Road Freeland, Maryland 21053

> RE: Case No. 94-33-A, Item No. 39 Petitioner: Charles C. Sutton, II, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Sutton:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation State Highway Administration O. James Lighthizer Secretary Hal Kassoff Administrator

7.24.95

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

HII West Chesapeake Avenue

Towson, MD 21204

23 Panted on Ancycled Plane

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Item No.: X

John Contestabile, Chief
Engineering Access Permits
Division

Baltimore County Government Office of Zoning Administration and Development Management

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting

a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

For newspaper advertising:

PLEASE FORWARD ADVERTISING BILL TO:

time of filing.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for

1) Posting fees will be accessed and paid to this office at the

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Location: 20310 MITPLETONN RD.

PHONE NUMBER: (410) 343-0073

NAME: CHARLES C + DARYL L SUTTON

ADDRESS: 20310 Middletown Rd

(Revised 04/09/93)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 29, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Olhun M ONA

Division Chief: Oay L. Klemn

PK/JL:lw

ZAC.9/ZAC1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

CF 3/10 72

8/5/93

Zoning Advisory Committee DATE: August 3, 1993

FROM: Captain Jerry Pfeifer

SUBJECT: August 9, 1993 Meeting

#29 No Comments
#30 No Comments

#31 No Comments
#32 No Comments

#33 No Comments

#35 Building shall comply with the 1991 Life Safety Code.

#36 Surface for Fire Department access shall be paved and capable of handling 50,000 lbs. on 2 axles.

#37 No Comments

#38 No Comments

#39 No Comments

JP/dmc

ZADN

and Invelopment Management

TH West Chesapeake Avenue Towson, MD 2120)

JULY 28, 1993

NATICE OF CASE NUMBER ASSISTMENT

Baltimore County Grove Halment Office of Zoung; Administration

4410) 887.433<sub>3</sub>

TO: Charles C. Sutton, II and Daryl L. Sutton 20310 Middletwon kend Freeland, Maryland 2003

Re: CASE NUMBER: 34-33 A (ftem 39)
20330 Middletown Road
SW/S Middletown Road, 2/10 mile SW of Keaney Mill Road

- 6th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance two been applied the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

4) Your property will be posted on or before August 8, 1995. The cionized date (August 23, 1993.) In the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) dany the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

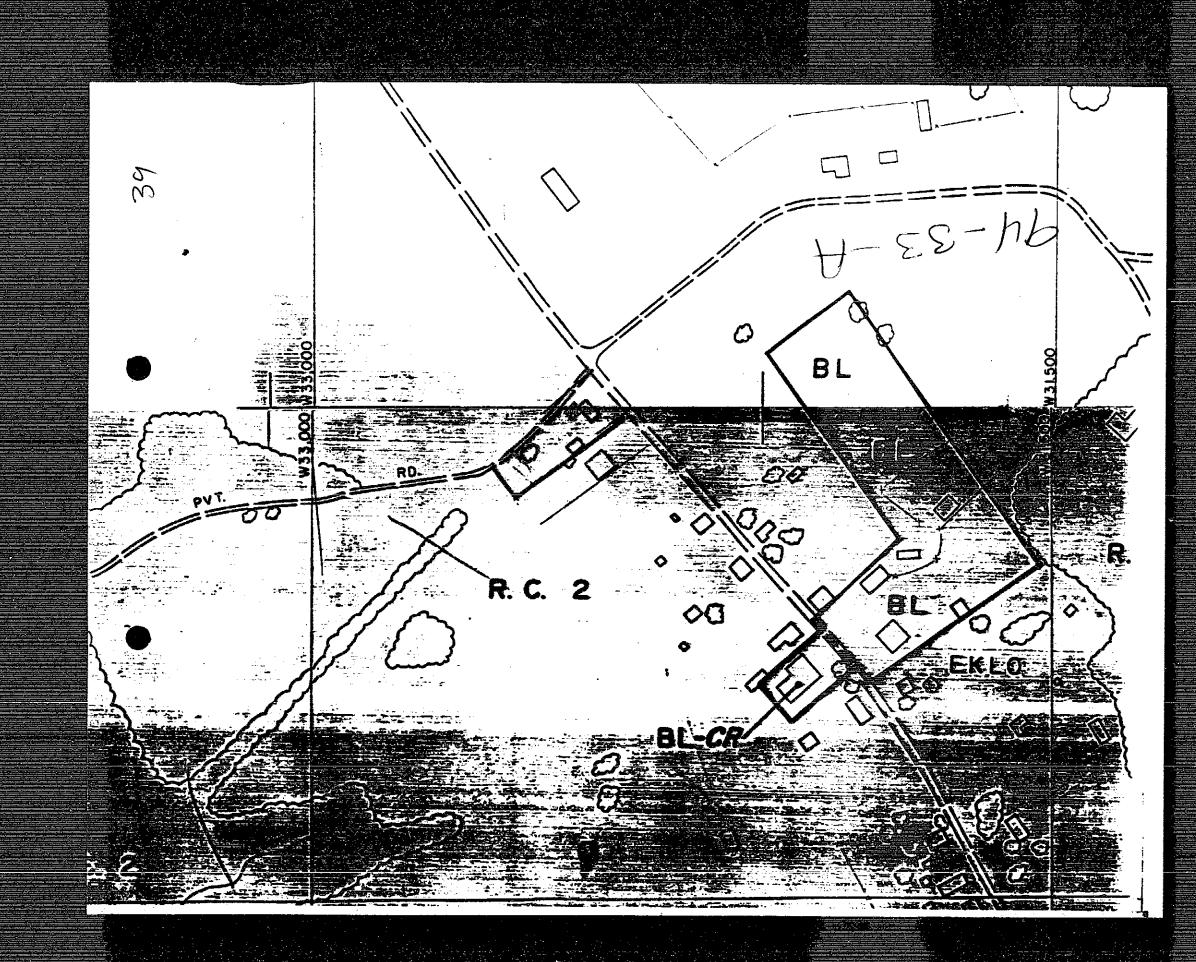
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Heitimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

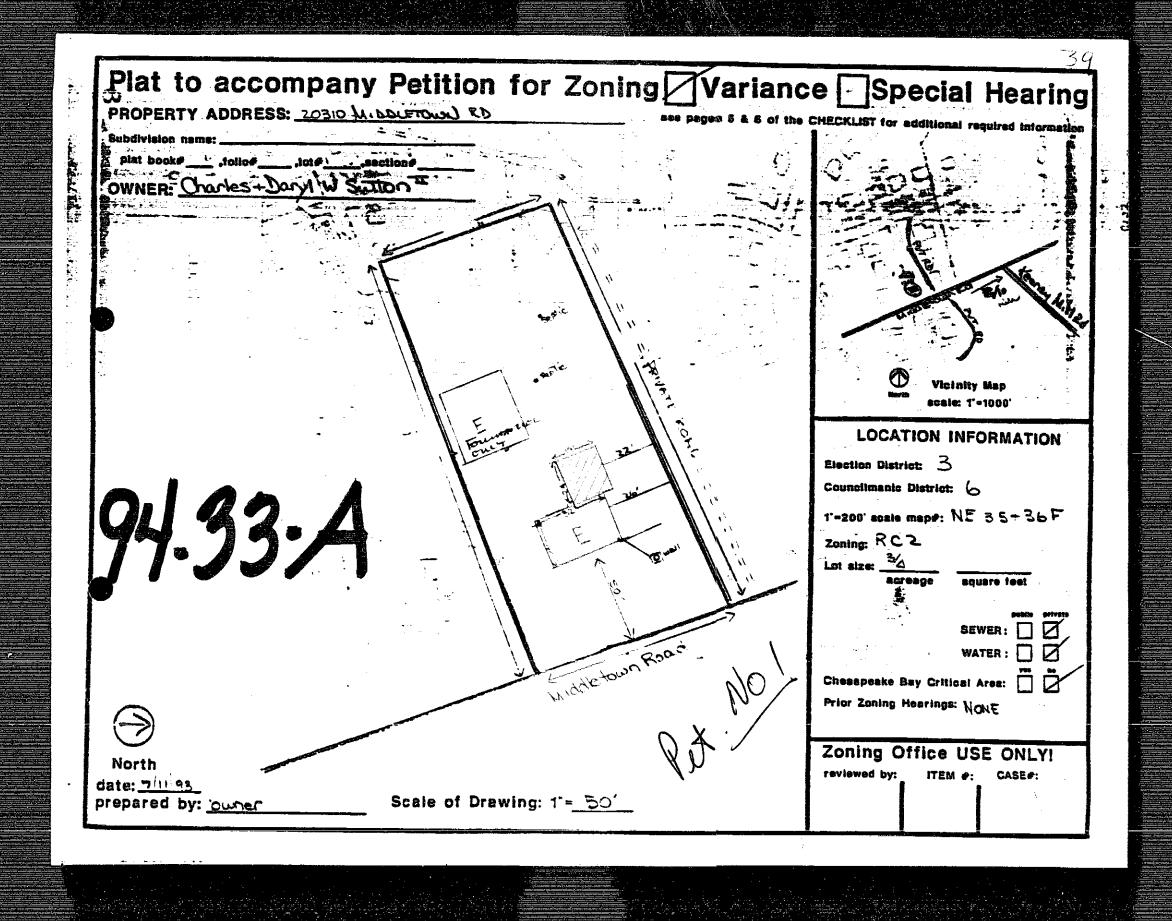
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will recalt in a \$60.90 charge.

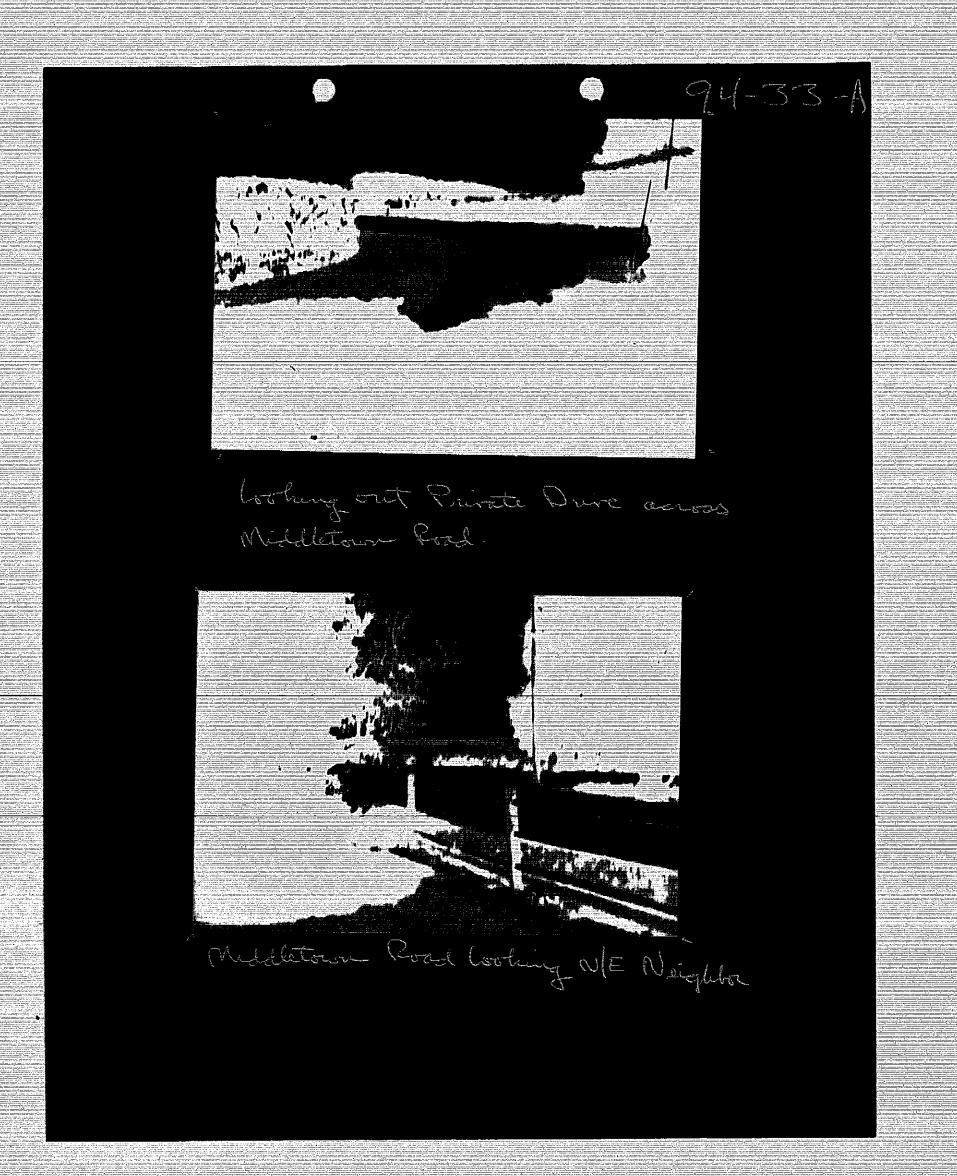
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP, WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MATE.

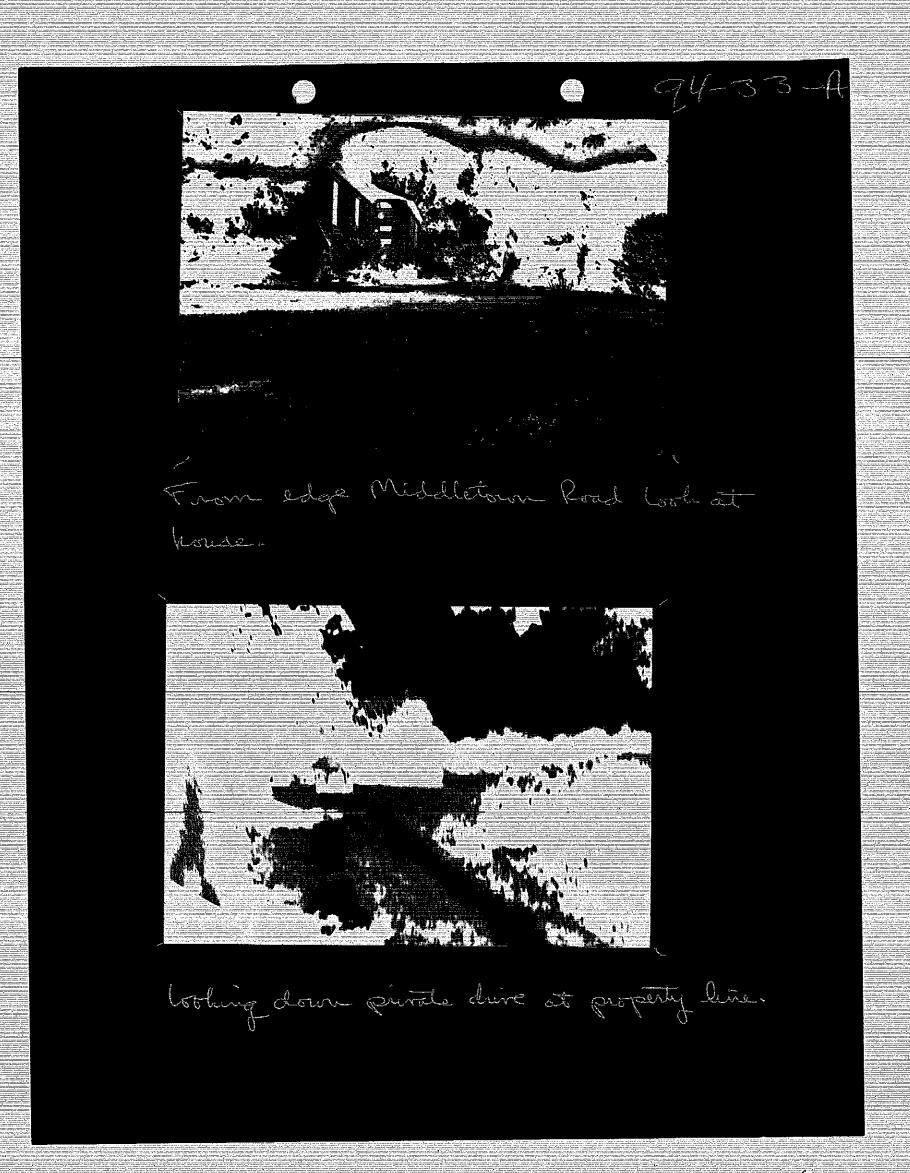
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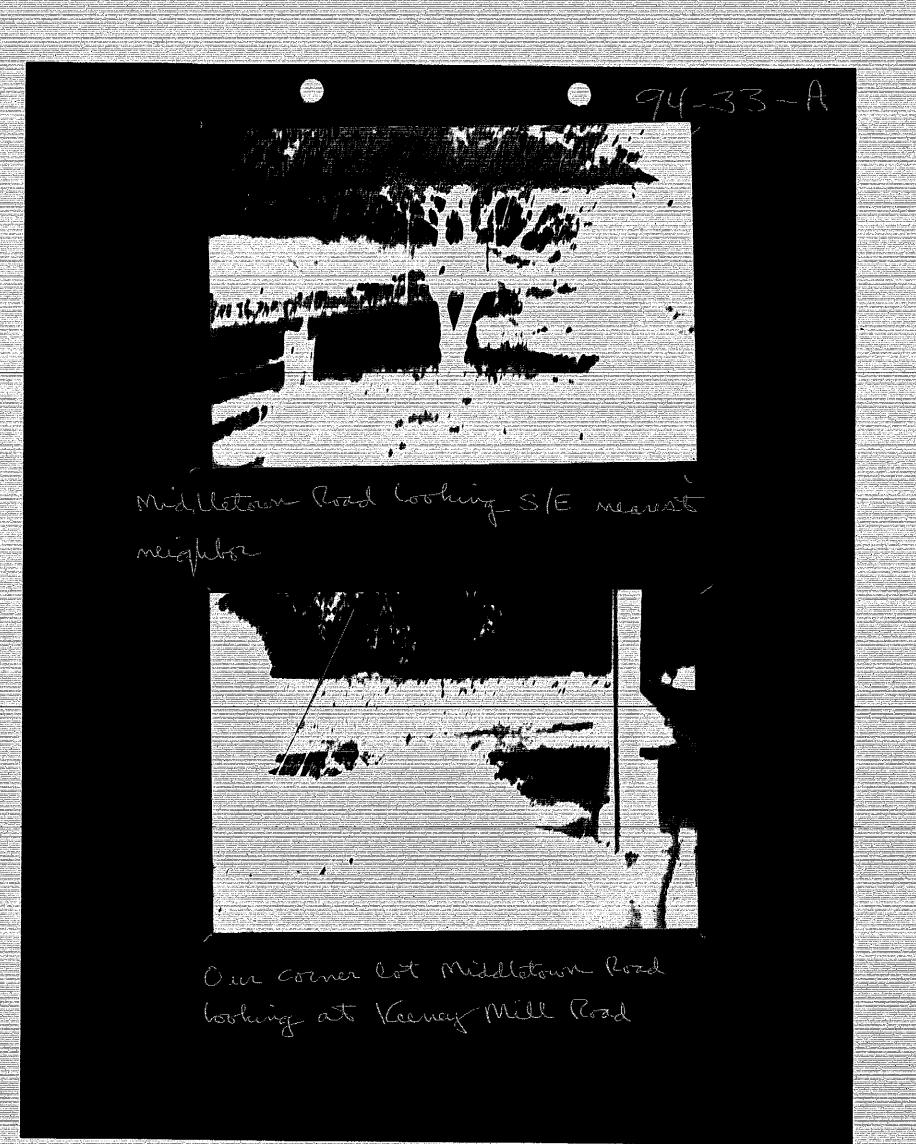
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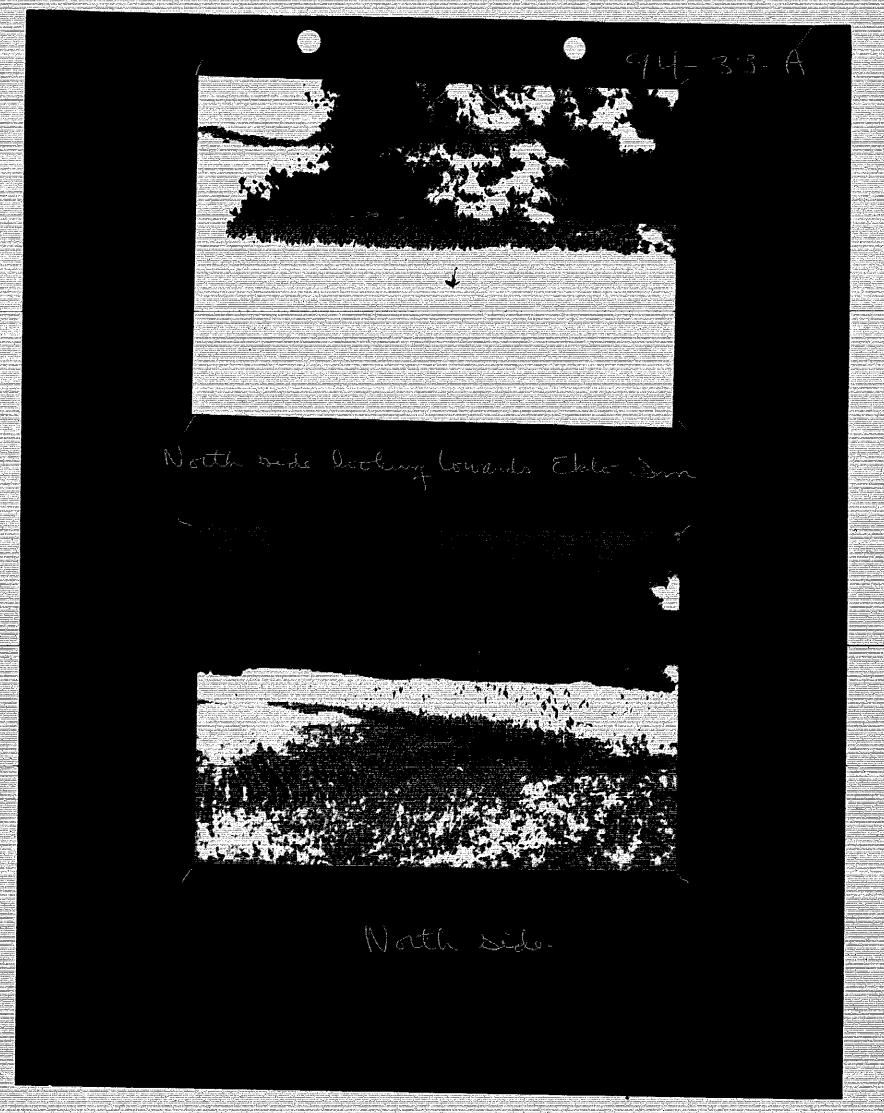


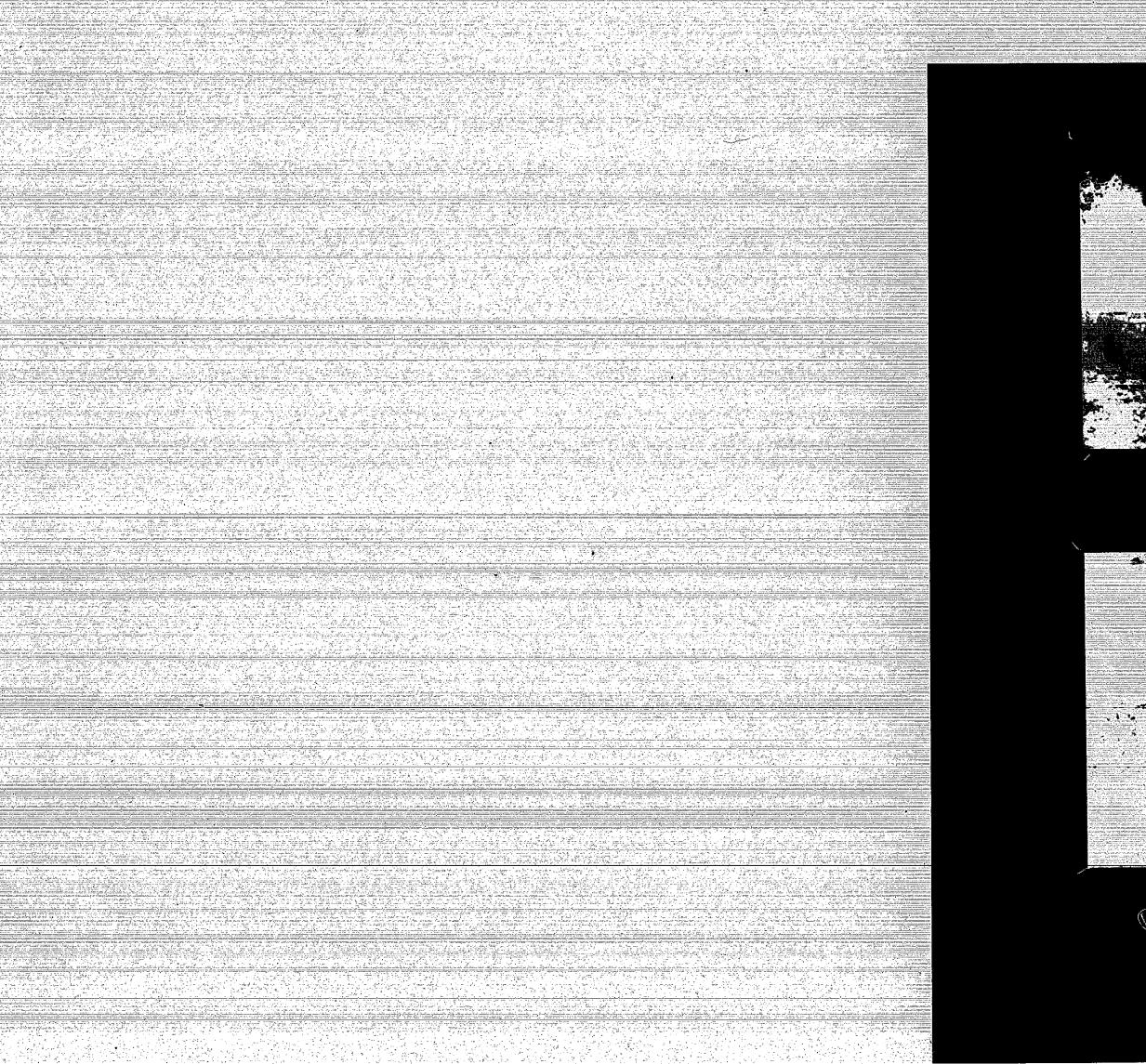


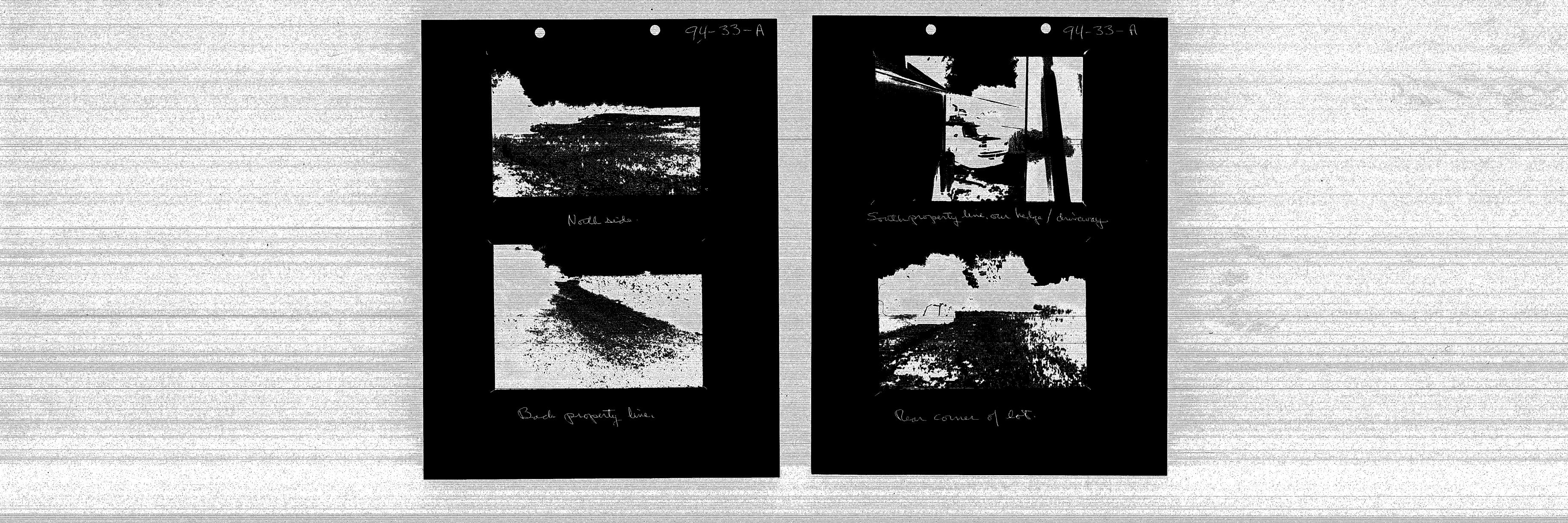




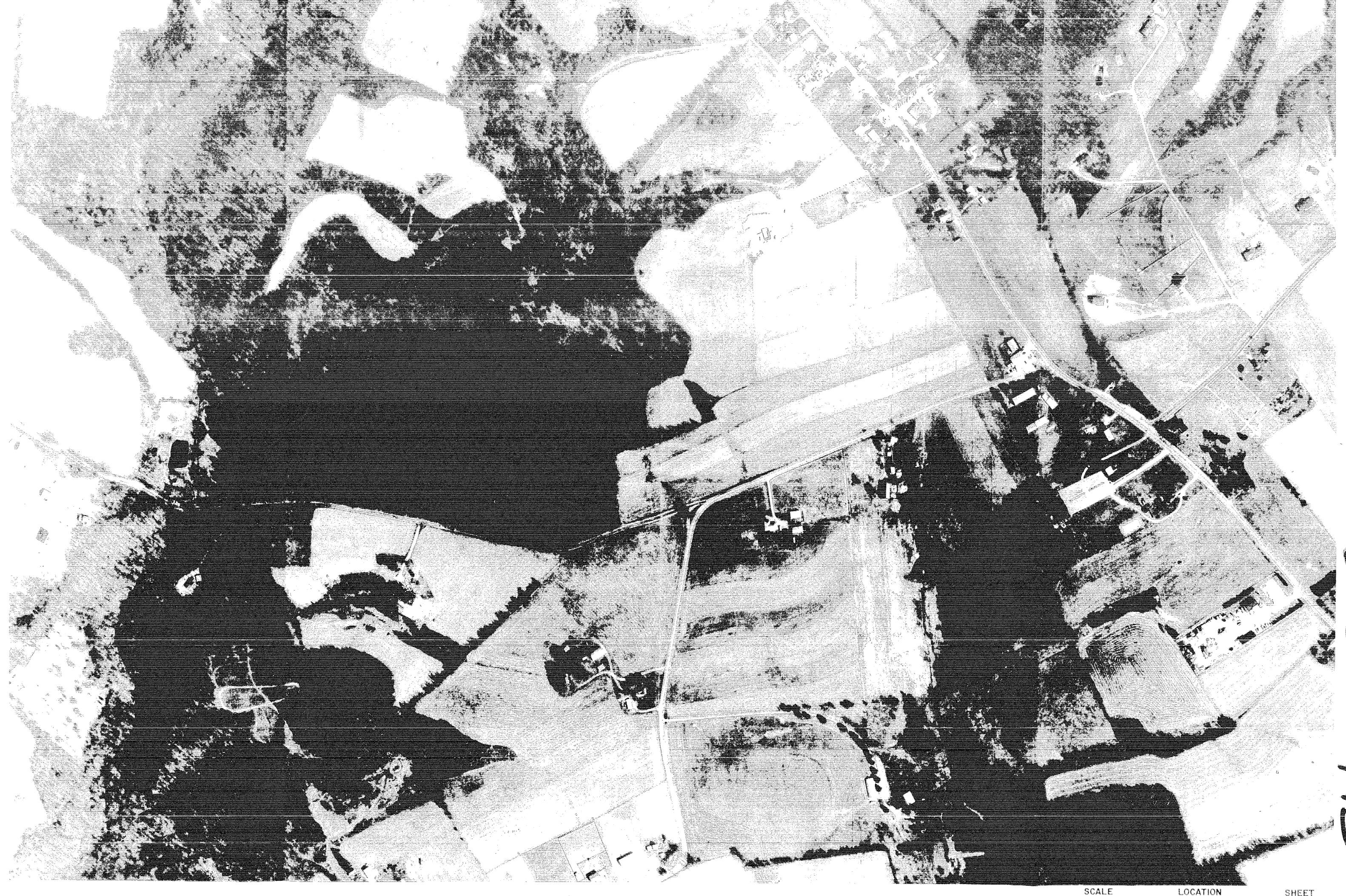












PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401 BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE LOCATION SHEET

I" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986